

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

*Electronically filed January 9, 2017*

|                                     |   |                                 |
|-------------------------------------|---|---------------------------------|
| IDEKER FARMS, INC., <i>et al.</i> , | ) |                                 |
|                                     | ) |                                 |
| Plaintiffs,                         | ) |                                 |
|                                     | ) |                                 |
| vs.                                 | ) | No: 1:14-cv-00183-NBF           |
|                                     | ) |                                 |
| UNITED STATES OF AMERICA,           | ) | Senior Judge Nancy B. Firestone |
|                                     | ) |                                 |
| Defendant.                          | ) |                                 |

**UNITED STATES' LIST OF WITNESSES**

Pursuant to the Court's Order filed November 15, 2016 (ECF No. 167), Defendant United States provides the list of witnesses it expects to testify for case-in-chief or rebuttal purposes and those whom it may call to testify at trial in this matter. The United States has also estimated the length of each witness' direct examination. The estimated total hours of testimony for direct examination, including both witnesses expected to testify and those who may testify, is 78 hours.

The United States reserves the right to identify additional witnesses for authentication of documents or to meet the requirements of the Federal Rules of Evidence, if needed, based upon objections that Plaintiffs may assert to the Government's exhibit list. The United States also reserves the right to amend this list as permitted in the Court's rules. The United States further reserves the right to call any and all witnesses listed on the witness list provided by Plaintiffs.

I. Witnesses Expected to Testify

A. Expert Witnesses: Rule 26(a)(2)(B)

- (1) Dr. Neil Grigg  
Colorado State University  
Department of Civil and Environmental Engineering  
Fort Collins, Colorado 80523

Dr. Grigg is a professor in the Department of Civil and Environmental Engineering at Colorado State University. Dr. Grigg served as one of the four review panel members who authored, *Regulation of the Missouri River Mainstem Reservoir System During the Flood of 2011*, an independent technical review chartered by the U.S. Army Corps of Engineers to assess the Corps of Engineers' operation of the six Missouri River mainstem reservoirs, as well as any appropriately related dams and reservoirs, prior, during, and after the 2011 flooding. Dr. Grigg, with his experience in hydrology, hydraulics and the management of water resources systems including reservoir system operations, will testify about the panel's conclusions and data sources in the report, with an emphasis on information and conclusions specific to issues potentially influencing how the Corps managed the largest volume of flood waters in the Basin since the initiation of record-keeping in the 19th Century.

Estimated length of direct examination: 3 hours.

(2) Dr. Andrew Kopania  
EMKO Environmental Inc.  
531 Lakecrest Dr.  
El Dorado Hills, California 95762

Dr. Kopania is a professional hydrogeologist specializing in groundwater flow and groundwater/surface water interactions. He will be providing expert testimony regarding the cause of exfiltration flooding on those properties where seepage flooding is alleged, but water levels did not rise to the toe of a levee or did not leave the bank of the river. Dr. Kopania will also testify about the magnitude and nature of responses of the groundwater table levels to changes in river levels, and changes to groundwater levels from the construction of MRRP projects.

Estimated length of direct examination: 2 hours.

- (3) Dr. Robert Mussetter  
Tetra Tech  
3801 Automation Way  
Ft. Collins, Colorado 80525

Dr. Mussetter is a Program Manager and Discipline Lead for Tetra Tech, Inc. He specializes in hydraulic engineering, river mechanics, and certain aspects of hydrology and fluvial geomorphology. Dr. Mussetter is expected to testify as an expert concerning technical issues related to Plaintiffs' claim as laid out in his expert witness reports and deposition testimony. He will provide expert testimony regarding the impacts of shallow water habitat creation on water surface elevations, including the geomorphic characteristics and sediment transport characteristics of the Missouri River. Dr. Mussetter will also testify concerning whether any Missouri River Recovery Program projects, or other Corps projects, contributed to the alleged flooding and any erosion claimed.

Estimated length of direct examination: 5 hours.

- (4) Dr. Jeffrey Schaefer  
U.S. Army Corps of Engineers  
Institute for Water Resources, Risk Management Center  
600 Dr. Martin Luther King Jr. Place  
Louisville, Kentucky 40202

Dr. Schaefer is the Lead Civil Engineer for the U.S. Army Corps of Engineers' Institute for Water Resources, Risk Management Center. He specializes in geotechnical engineering including levee analysis. Dr. Schaefer will provide expert rebuttal testimony regarding alleged increases in levee failures, flooding from seepage, and erosion of plaintiff properties due to changes in the operation of the Missouri river and/or construction of Missouri River Recovery Program Projects. Dr. Schaefer has prepared a seepage evaluation for the 22 properties where seepage is claimed, and will testify about the results of that modeling and analysis.

Estimated length of direct examination: 3 hours.

- (5) Mark Woodbury  
Riverside Technology, inc.  
2690 E. Harmony Road  
Fort Collins, Colorado 80528

Mr. Woodbury is a hydrologist and Senior Water Resources Manager with Riverside Technology, Inc., with experience in hydraulics and reservoir operations modeling. He is expected to testify about the investigation he conducted and the assessments reached in evaluating the causes of over bank flooding during the period of time alleged by Plaintiffs as well as prior periods of time. Mr. Woodbury will testify about the impact of the implementation of the revised Master Manuals of 2004 and 2006, as well as the impact of the river channel modifications, and whether these actions are responsible for alleged increases in flooding. He will also testify about the detailed analysis of flooding made at each of the representative properties.

Estimated length of direct examination: 6 hours.

B. Expert Witnesses: Rule 26(a)(2)(C)

The testimony of the listed witnesses falls fairly and reasonably within the ambit under Federal Rule of Evidence 701. They were disclosed, however, as hybrid fact-expert witnesses under Rule 26(a)(2)(C) as a safeguard and to facilitate the discovery process.

- (1) Chance Bitner  
U.S. Army Corps of Engineers  
Richard Bolling Federal Building  
601 E. 12th Street  
Kansas City, Missouri 64106

Mr. Bitner is Chief, Hydrology and Hydraulics Section, in the Kansas City District, United States Army Corps of Engineers. Mr. Bitner will testify regarding the planning, construction, and operation of Missouri River Recovery Program shallow water habitat structures located in the Kansas City District Area of Responsibility, as well as studies and ongoing

investigation of the structures following construction and flood events. Mr. Bitner may also testify about facts related to allegations raised by specific plaintiffs. Additionally, Mr. Bitner will testify about whether the increased flooding or erosion alleged by plaintiffs was foreseeable or a direct, natural or probable result of the United States Army Corps of Engineers' construction of shallow water habitat features such as chutes, backwater and river control structure modifications in the Kansas City District.

Estimated length of direct examination: 3 hours.

(2) Michael Chapman  
U.S. Army Corps of Engineers  
Richard Bolling Federal Building  
601 E. 12th Street  
Kansas City, Missouri 64106

Mr. Chapman is Chief, River Engineering and Restoration Section, in the Kansas City District, United States Army Corps of Engineers. Mr. Chapman will testify regarding Missouri River Recovery Program shallow water habitat and structures located in the Kansas City District Area of Responsibility, as well as the maintenance of MRRP projects located within the District. He will testify about the planning, analysis, and execution of dike notching by the United States Army Corps of Engineers within the Kansas City District, and whether any of the erosion plaintiffs allege occurred on their properties in the Kansas City District was a direct, natural, or probable result of the notching of dikes and revetments since 2004. Mr. Chapman may also testify about facts related to allegations raised by specific plaintiffs. Additionally, Mr. Chapman will testify about the Bank Stabilization and Navigation Program operations and maintenance in the Kansas City District. He will also testify regarding Missouri River sediment and sediment-related trends in the Kansas City District.

Estimated length of direct examination: 3 hours.

(3) Jody Farhat  
U.S. Army Corps of Engineers  
Northwestern Division  
1616 Capitol Street  
Omaha, Nebraska 68102

Ms. Farhat is the Chief of the Missouri River Water Management Division. The Division is responsible for the real-time regulation of the Mainstem Reservoir System to serve the authorized purposes. She is expected to testify about how the Mainstem Reservoir System is operated, a history of the process that resulted in the 2004 and 2006 editions of the Master Manual as it pertains to changes to System operations and the impacts of those changes, and the challenges in operating the System. Ms. Farhat will also testify to the forecasts used by the Water Management Division in making operational decisions of the System, operational decisions and the differences in the flooding in the years 2006 through 2016, including the events and water releases during the 2011 flood. Ms. Farhat may also testify about facts related to allegations raised by specific plaintiffs. She will also testify about whether the alleged increased direct flooding, blocked interior drainage or ground water issues are a direct, natural or probable result of the changes made in the 2004 and 2006 Master Manuals.

Estimated length of direct examination: 5 hours.

(4) Dr. Martin Hoerling  
NOAA Office of Oceanic and Atmospheric Research  
Earth System Research Laboratory  
Physical Sciences Division  
Boulder, Colorado 80305

Dr. Hoerling is a meteorologist with the Physical Science Division, Office of Oceanic and Atmospheric Research for the Earth System Research Laboratory. He will testify about the study and conclusions reached in a climate assessment report he co-authored that is titled, *Understanding and Explaining Climate Extremes in the Missouri River Basin Associated with*

*the 2011 Flooding*, and a follow-on report he co-authored that is titled, *Causes for Hydrologic Extremes in the Upper Missouri River Basin*.

Estimated length of direct examination: 2 hours.

(5) Cara McCarthy  
NRCS National Water and Climate Center  
1201 NE Lloyd Blvd.  
Portland, Oregon 97232

Ms. McCarthy is a Senior Forecast Hydrologist from the United States Department of Agriculture, Natural Resources Conservation Service, National Water and Climate Center, Portland, OR. She served as one of the four review panel members who authored, *Regulation of the Missouri River Mainstem Reservoir System During the Flood of 2011*, an independent technical review chartered by the U.S. Army Corps of Engineers to assess the Corps of Engineers' operation of the six Missouri River mainstem reservoirs, as well as any appropriately related dams and reservoirs, prior, during, and after the 2011 flooding. Ms. McCarthy will testify about the panel's conclusions and data sources in the report, with an emphasis on information and conclusions specific to water supply forecasting covered in the report, based on her expertise as a hydrologist.

Estimated length of direct examination: 2 hours.

(6) Daniel Pridal  
U.S. Army Corps of Engineers  
Omaha Division  
1616 Capitol Street  
Omaha, Nebraska 68102

Mr. Pridal is a Hydraulic Engineer and Chief of the River and Reservoir Engineering Section of the U.S. Army Corps of Engineers, Omaha District. He will testify regarding hydrologic modeling, and the design, construction, and monitoring of Missouri River Recovery

Program programs, including shallow water habitats within the Omaha District Area of Responsibility. Mr. Pridal will also testify about the operation and maintenance as well as the implementation of changes to Bank Stabilization and Maintenance Project structure maintenance guidelines within the Omaha District. Mr. Pridal will also testify about aggradation and degradation of the Missouri River within the Omaha District. Mr. Pridal may also testify about facts related to allegations raised by specific plaintiffs. Mr. Pridal will finally provide testimony about whether alleged erosion of private land and increases on flooding were the direct, natural or probable result of the Corps' notching of the Bank Stabilization and Navigation structures, and construction of shallow water habitat since 2004 in the Omaha District.

Estimated length of direct examination: 3 hours.

(7) John Remus  
U.S. Army Corps of Engineers  
Omaha Division  
1616 Capitol Street  
Omaha, Nebraska 68102

Mr. Remus is the Chief of the Hydrologic Engineering Branch of the U.S. Army Corps of Engineers, Omaha District. He will testify regarding the hydrology and hydraulics of the Missouri River Basin including the levee system, the flooding along the river, and the Bank Stabilization and Navigation Project and effects thereof (including on plaintiffs' properties). He will further testify about the planning and execution of the Missouri River Recovery Program, including the construction of shallow water habitats and emergent sandbar habitat. Mr. Remus may also testify about facts related to allegations raised by specific plaintiffs. He will also testify about whether the alleged flooding and erosion of Plaintiffs' properties within the Omaha District was a direct, natural or probable result of the Corps' construction of emergent sandbar habitat or shallow water habitat.



Estimated length of direct examination: 3 hours.

- (8) Dr. Robert Webb  
NOAA Office of Oceanic and Atmospheric Research  
Earth System Research Laboratory  
Physical Sciences Division  
Boulder, Colorado 80305

Dr. Webb is the Director of the Physical Science Division of the Office of Oceanic and Atmosphere Research for the Earth System Research Laboratory. He will testify about the study and conclusions reached in an assessment report he co-authored that is titled, *Seasonal Precipitation Forecasts Over the Missouri River Basin: An Assessment of Operational and Experimental Forecast System Skill and Reliability*.

Estimated length of direct examination: 2 hours.

C. Fact Witnesses

- (1) Mark Anderson  
U.S. Geological Survey  
South Dakota Water Science Center  
1608 Mountain View Road  
Rapid City, South Dakota 57702

Mr. Anderson is the Director of the USGS South Dakota Water Science Center in Rapid City, South Dakota. Mr. Anderson will testify about trends in streamflow characteristics in the Missouri River watershed from 1960 to 2011.

Estimated length of direct examination: 2 hours.

- (2) Lawrence Cieslik  
3306 Lynwood Drive  
Bellevue, Nebraska 68123

Mr. Cieslik is a former Chief of the Missouri River Water Management Division and served as a project manager for the review and update of the 1979 Master Manual. He is expected to testify about that process and the Final Environmental Impact Statement that was

issued. He is also expected to testify about the Water Management Division's operations before and after the revisions to the Master Manual in 2004 and 2006, including the spring pulse plenary session and how the criteria in the final spring pulse in the 2006 Master Manual was determined.

Estimated length of direct examination: 3 hours.

- (3) Karen Durham-Aguilera  
Headquarters, U.S. Army Corps of Engineers  
441 G Street, NW  
Washington, D.C. 20314

Ms. Durham-Aguilera is the Director of Contingency Operations and Chief, Office of Homeland Security, Headquarters, United States Army Corps of Engineers. In January, she will leave those responsibilities to assume a new position with the Department of the Army. She is expected to testify about the Corps' flood risk management mission and her role in the update of the 1979 Master Manual update, consultations under Section 7 of the Endangered Species Act and operations in the Missouri River Basin during her time as the Program Director of the Northwestern Division.

Estimated length of direct examination: 1 hour.

- (4) Bryan Flere  
U.S. Army Corps of Engineers  
Omaha Division  
1616 Capitol Street  
Omaha, Nebraska 68102

Mr. Flere is a geotechnical engineer and Levee Safety Program Manager for the U.S. Army Corps of Engineers, Omaha District. Mr. Flere will testify about the design, alignment, construction, operation, and maintenance of levees, the Corps' inspections of levees, damage to levees during flood events, and breaches of federal levees during the 2011 flood. Mr. Flere may also testify about facts related to allegations raised by specific plaintiffs. Mr. Flere will also

testify about geotechnical investigations regarding seepage conducted with respect to MRRP projects within the Omaha District.

Estimated length of direct examination: 3 hours.

(5) Stephen Fischer  
U.S. Army Corps of Engineers  
Northwestern Division  
1201 NE Lloyd Blvd  
Portland, Oregon 97232

Mr. Fischer is currently the Northwestern Division's Environmental Team Lead in the Planning & Programs Directorate. In that position, he reviews shallow water habitat projects proposed by the Omaha and Kansas City districts. Previously, he was the MRRP Senior Project Manager and coordinated Corps actions to comply with requirements under the 2003 Biological Opinion. He is expected to testify about the history and implementation of the BSNP Mitigation Project and the MRRP at the programmatic level and some of the considerations such as floodplain management and the National Academy Science reports. Mr. Fischer may also testify about facts related to allegations raised by specific plaintiffs.

Estimated length of direct examination: 2 hours.

(6) Michael Hudson  
National Oceanic and Atmospheric Administration,  
Central Region, National Weather Service  
7220 NW 101st Terrace  
Kansas City, Missouri 64153

Mr. Hudson is the Chief, Integrated Services Division for the Central Region of the Weather Service. He is expected to testify about the precipitation data, weather trends, and forecasting for the Central Region's coverage of the Missouri River Basin.

Estimated length of direct examination: 1 hour.

- (7) Brian Kelly  
United States Geological Survey  
Missouri Water Science Center  
401 NW Capital Drive  
Lee Summit, Missouri 64086

Mr. Kelly is the Supervisory Hydrologist with the United States Geological Survey Missouri Water Science Center. Mr. Kelly will testify about groundwater data and in the Missouri River Basin and studies concerning the groundwater response to river levels in the region, including the groundwater response to the construction of MRRP projects. Mr. Kelly will also testify about studies concerning potential effects on groundwater from proposed changes to the Master Manual.

Estimated length of direct examination: 1 hour.

- (8) Eugene Kneuvean  
U.S. Army Corps of Engineers  
Richard Bolling Federal Building  
601 E. 12th Street  
Kansas City, Missouri 64106

Jud Kneuvean is the Chief, Emergency Management Branch, in the Kansas City District, United States Army Corps of Engineers. Mr. Kneuvean will testify regarding federal, non-federal, and private levees, including breaches and other damages to the levees. His will testify regarding characteristics of levees and requirements pertaining to the different levees. Mr. Kneuvean will also testify regarding past flood events in the Kansas City District area of responsibility. Mr. Kneuvean may also testify about facts related to allegations raised by specific plaintiffs.

Estimated length of direct examination: 2 hours.

- (9) Michael Olson  
5918 State Highway 84 NE  
Longville, Minnesota 56655

Mr. Olson was the Science Coordinator at the North Dakota Field Office, United States Fish & Wildlife Service during the early 2000s. Mr. Olson will testify about data provided to the Corps from FWS to assist in the management of the Missouri River Basin; suggestions made by FWS about the policies and practices of the management of the Missouri River Basin; consultations under Section 7 of the Endangered Species Act and information related to the 2000 and 2003 Biological Opinions issued by the FWS regarding the Operation of the Missouri River Main Stem Reservoir System; and other information provided to the Corps for use in managing the Missouri River Basin.

Estimated length of direct examination: 2 hours.

(10) David Ponganis  
U.S. Army Corps of Engineers  
Northwestern Division  
1201 NE Lloyd Blvd  
Portland, Oregon 97232

Mr. Ponganis is the Programs Director for the Northwestern Division and supervises the Missouri River Water Management Division. He is also the Corps' representative for the Missouri River Recovery Implementation Committee. He is expected to testify about the Missouri River Reservoir System history and operational priorities. Mr. Ponganis will also testify about the history of the revision of the 1979 Master Manual in 2004 and 2006, consultations under Section 7 of the Endangered Species Act with the FWS in conjunction with the Biological Opinions of 2000 and 2003, and the 2004 Record of Decision. He will also testify about the Corps' assessment following the 2011 flood.

Estimated length of direct examination: 3 hours.

- (11) Steve Predmore  
National Weather Service  
Missouri Basin River Forecast Center  
1803 North 7 Highway  
Pleasant Hill, Missouri 64080

Mr. Predmore is the Hydrologist in Charge and serves as the senior manager of the Missouri Basin River Forecast Center. He is responsible for supervising the activities at the facility. He provides managerial and technical oversight for all River Forecast Center activities. He will testify about the River Forecast Center's forecasts and the data collected during the years of flooding alleged by Plaintiffs.

Estimated length of direct examination: 2 hours.

- (12) Luis Rodriguez  
Federal Insurance and Mitigation Legal Division  
Federal Insurance and Mitigation Administration  
400 C Street, SW  
Washington, D.C. 20024

Mr. Rodriguez is the Director of Engineering and Modeling Division, Federal Insurance and Mitigation Administration (FIMA), Washington, D.C. He will testify about the National Flood Insurance Program (NFIP) and local participation requirements, and FEMA's flood insurance rate mapping process, including flood hazard zones, related terminology, plaintiff property boundaries within respective flood hazard zone areas. He will also testify about the levee certification process, and county flood insurance studies.

Estimated length of direct examination: 2 hours.

- (13) Eric Shumate  
U.S. Army Corps of Engineers  
Kansas City District  
Richard Bolling Federal Building  
601 E. 12th Street  
Kansas City, Missouri 64106

Mr. Shumate is the Chief of the Hydrologic Engineering Branch of the Kansas City District, United States Army Corps of Engineers. Mr. Shumate will testify about historic floods within the Kansas City District, hydrologic modeling, the design and alignment of federal and non-federal levees, and effects of levee construction on stage and other hydrology trends. Mr. Shumate will also testify about water surface trends, and potential causes for those trends such as land use or other changes in the river basin. Mr. Shumate may also testify about facts related to allegations raised by specific plaintiffs.

Estimated length of direct examination: 3 hours.

(14) Michael Thabault  
United States Fish & Wildlife Service  
Mountain-Prairie Region  
134 Union Blvd.  
Lakewood, Colorado 80228

Mr. Thabault is the Assistant Regional Director, Ecological Service, Mountain-Prairie Region, United States Fish & Wildlife Service. He is expected to testify about the issues addressed in consultations between the FWS and the Corps under Section 7 of Endangered Species Act leading to the 2003 Biological Opinion and the 2004 Record of Decision, relations between the FWS and the Corps during and after these consultations, and the continuing efforts to address remaining issues that were not resolved.

Estimated length of direct examination: 2 hours.

## II. Witnesses Who May Testify

### A. Expert Witnesses: Rule 26(a)(2)(C)

(1) William Lawrence  
National Weather Service Forecast Office  
10159 E. 11th Street  
Tulsa, Oklahoma 74128

Mr. Lawrence is the Hydrologist in Charge and serves as the senior manager of the Arkansas-Red Basin River Forecast Center, National Weather Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Tulsa, OK. Mr. Lawrence served as one of the four review panel members who authored, *Regulation of the Missouri River Mainstem Reservoir System During the Flood of 2011*, an independent technical review chartered by the U.S. Army Corps of Engineers to assess the Corps of Engineers' operation of the six Missouri River mainstem reservoirs, as well as any appropriately related dams and reservoirs, prior, during, and after the 2011 flooding. Mr. Lawrence may testify about the panel's conclusions and data sources in the report, with an emphasis on information and conclusions specific to weather forecasting covered in the report, based on his expertise as a meteorologist.

Estimated length of direct examination: 2 hours.

B. Fact Witnesses

(1) Doug Clemetson  
17076 Weir Street  
Omaha, Nebraska 68135

Mr. Clemetson is the former Chief of the Hydrologic Engineering Section of the U.S. Army Corps of Engineers, Omaha District. Mr. Clemetson may testify about the Corps' study of potential effects on interior drainage from the revision of the Master Water Control Manual, and the Corps' monitoring and evaluation of the effects of the spring pulses. Mr. Clemetson may also testify about facts related to allegations raised by specific plaintiffs.

Estimated length of direct examination: 1 hour.

(2) Jessica Groves  
Natural Resources Conservation Service  
744 La Guardia Street  
Salinas, California 93905



Jessica Groves, National Realty Specialist, Natural Resources and Conservation Services, U.S. Department of Agriculture, Annapolis, MD. Ms. Groves may testify regarding the two NRCS easement programs in which certain representative Plaintiffs participate. Ms. Groves may explain the purpose of the easement programs, how the easements are created and how they work, and provide an overview of which representative Plaintiffs participate in each easement program.

Estimated length of direct examination: 1 hour.

(3) Geoffrey Henggeler  
U.S. Army Corps of Engineers  
Richard Bolling Federal Building  
601 E. 12th Street  
Kansas City, Missouri 64106

Mr. Henggeler is a geotechnical engineer and Levee Safety Program Manager for the U.S. Army Corps of Engineers, Kansas City District. Mr. Henggeler may testify regarding the operation and maintenance of non-federal levees, and geotechnical investigations regarding seepage conducted with respect to MRRP projects. Mr. Henggeler may also testify about facts related to allegations raised by specific plaintiffs.

Estimated length of direct examination: 1 hour.

(4) Robb Jacobson  
U.S. Geological Survey  
Columbia Environmental Research Center  
4200 New Haven Road  
Columbia, Missouri 65201

Dr. Jacobson is a Supervisory Research Hydrologist for the USGS in the Columbia Environmental Research Center in Columbia, Missouri. Dr. Jacobson may testify regarding research conducted related to hydrology and sediment transport in the Missouri River basin, and research conducted related to Missouri River classification and geomorphic dynamics.

Estimated length of direct examination: 2 hours.

(5) Don Moses  
U.S. Army Corps of Engineers  
Omaha Division  
1616 Capitol Street  
Omaha, Nebraska 68102

Don Moses is a Civil Engineer in the Geotechnical Branch of the Omaha District, United States Army Corps of Engineers. Mr. Moses may testify regarding historical aspects of levees and the performance of levees during floods. Mr. Moses will also testify about the alignment, construction, operation, and maintenance of levees, damage to levees during flood events, and breaches of federal levees. Mr. Moses may also testify about facts related to allegations raised by specific plaintiffs.

Estimated length of direct examination: 1 hour.

(6) Kimberly Thomas  
U.S. Army Corps of Engineers  
Omaha Division  
1616 Capitol Street  
Omaha, Nebraska 68102

Ms. Thomas was the Chief of the Emergency Operations readiness Branch for the Omaha District, United States Army Corps of Engineers, during most of the years that Plaintiffs allege flooding, including the 2011 flood. Ms. Thomas may testify about her oversight and documentation of Omaha District emergency responses to flood events, levee breaches and rehabilitation after flood events, and the MRRP program. Ms. Thomas may also testify about ice jams in the river, and the construction of berms and other emergency measures specific to Plaintiffs' claims. Ms. Thomas may also testify about facts related to allegations raised by specific plaintiffs.

Estimated length of direct examination: 2 hours.

DATE: January 9, 2017      Respectfully,

JOHN C. CRUDEN  
ASSISTANT ATTORNEY GENERAL  
United States Department of Justice  
Environment & Natural Resources Division

/s/ Terry Petrie

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